

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW KUNDA,

Defendant.

Case No.: CR 05- 401 DB
CR 07- 396 DB

DETENTION ORDER

Offenses charged:

Count I: Operating a motor vehicle while under the influence of intoxicating liquor (or any drug or any combination thereof) in violation of 18 U.S.C. §§ 7 and 13, and R.C.W. §§ 46.61.502 and .504.

Count II: Physical Control of a motor vehicle while intoxicated, in violation of 18 U.S.C. §§ 7 and 13, and R.C.W. 9A.52.100.

Count I in CR 07- 396: Failure to Appear for Trial in violation of a pretrial bond and 18 U.S.C. § 3142.

Initial Appearance: November 7, 2005 and November 28, 2007.

Date of Detention Hearing: November 28, 2007.

On November 28, 2007, defendant appeared on an alleged violation of his conditions of pretrial release in CR 05-401 and for an initial appearance on the charge in CR 07-396. Both

01 matters alleged that defendant failed to appear for his trial on the charges in CR 05-401 that had
02 been scheduled for January 2, 2007.

03 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
04 based upon the factual findings and statement of reasons for detention hereafter set forth, finds:

05 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

06 (1) On November 7, 2005, defendant was released on bond with pretrial supervision
07 and special conditions. His trial was scheduled for January 2, 2007.

08 (2) Defendant failed to appear for his trial as scheduled.

09 (3) There appear to be no conditions or combination of conditions that will reasonably
10 assure the defendant's appearance at future Court hearings and that will address the danger to
11 other persons or the community.

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13 IT IS THEREFORE ORDERED:

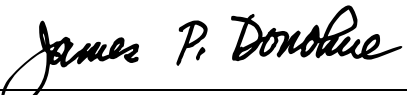
14 (1) Defendant shall be detained pending trial and committed to the custody of the
15 Attorney General for confinement in a correctional facility separate, to the extent
16 practicable, from persons awaiting or serving sentences or being held in custody
17 pending appeal;

18 (2) Defendant shall be afforded reasonable opportunity for private consultation with
19 counsel;

20 (3) On order of a court of the United States or on request of an attorney for the
21 government, the person in charge of the corrections facility in which defendant is
22 confined shall deliver the defendant to a United States Marshal for the purpose of
23 an appearance in connection with a court proceeding; and

01 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
02 counsel for the defendant, to the United States Marshal, and to the United States
03 Pretrial Services Officer.
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05 DATED this 28th day of November 2007.

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07 JAMES P. DONOHUE
08 United States Magistrate Judge
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